

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. 8:24-cv-00818-KK-SHK

Date: August 6, 2024

Title: *Adolfo Rodriguez v. Orange County Probation Department*

Present: The Honorable Shashi H. Kewalramani, United States Magistrate Judge

D. Castellanos

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

Proceedings (IN CHAMBERS): ORDER TO SHOW CAUSE RE: COMPLAINT

On April 12, 2024, Plaintiff Adolfo Rodriguez (“Plaintiff”), proceeding pro se and in forma pauperis, filed the operative complaint (“Complaint”) in this matter under 42 U.S.C. § 1983. Electronic Case Filing Number (“ECF No.”) 1, Compl. On June 24, 2024, after screening the Complaint under 28 U.S.C. § 1915, the Court issued an Order Dismissing Complaint with Leave to Amend (“ODLA”). ECF No. 7, ODLA.

The ODLA dismissed the Complaint and instructed Plaintiff that if he wishes to pursue this case, he must file a First Amended Complaint (“FAC”) within twenty-one days of the service date of the ODLA. See id. at 9. The Court also cautioned Plaintiff “**if Plaintiff does not timely file a FAC, the Court may recommend that this action be dismissed with or without prejudice for failure to state a claim, failure to prosecute, and/or failure to obey Court orders under Federal Rule of Civil Procedure [(“Fed. R. Civ. P.” or “Rule”)] 41(b).**” Id. at 10 (emphasis in original).

Under Rule 41(b), the Court may dismiss an action with prejudice for failure to prosecute or failure to comply with any court order. See Fed. R. Civ. P. 41(b). As of the date of this Order, Plaintiff has not filed a FAC, requested an extension of time to file a FAC, or otherwise communicated with the Court regarding his intent to continue pursuing this action. Before dismissing this action, however, the Court will afford Plaintiff one final opportunity to either file a FAC as ordered.

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE**, in writing, by **August 20, 2024**, why this action should not be dismissed for failure to prosecute and/or comply with court orders. Plaintiff can satisfy this order by filing a FAC as ordered by the date listed above.

Plaintiff is cautioned that failure to timely file a FAC will result in the Court recommending that this action be dismissed with or without prejudice for failure to prosecute and timely comply with Court orders.

IT IS SO ORDERED.